



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CRH:JGH/MA
F.#2017R01183

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 12, 2022

By ECF and Email

The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rasheedul Mowla
Docket No. 18-CR-487 (AMD)

Dear Judge Donnelly:

Following the August 8, 2022 status conference in the above-captioned case, the government writes to provide the Court with additional information obtained from the Bureau of Prisons (BOP) and United States Marshals Service (USMS) regarding the anticipated commencement of the mental health evaluation previously ordered by this Court and to propose an Amended Order (attached hereto) to facilitate the more expeditious completion of the defendant's evaluation.

On February 21, 2022, the Court ordered that, pursuant to 18 U.S.C. §§ 4241(b), 4247(b) and 4247(c), the defendant be committed to the custody of the Attorney General at a BOP facility that performs psychiatric or psychological examinations consistent with the provisions of Section 4247(b) for a period of thirty days for an additional examination to determine whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and for any necessary treatment (Docket No. 84). In order to expedite the defendant's evaluation, the Court's February 21, 2022 Order directed that the defendant's evaluation take place at the suitable BOP suitable Federal Medical Facility (FMC) with the first available space for the defendant, rather than at the FMC or suitable forensic study site closest to the defendant's current detention location.

Following the August 8, 2022 status conference, the BOP and USMS have confirmed that the defendant is currently in a holding facility in Grady County, Oklahoma awaiting transfer to FMC Butner for his court-ordered evaluation.¹ At the time of the Court's February 21, 2022 Order, FMC Butner was the first available FMC site for the ordered evaluation. The BOP has now informed the parties that due to a backlog in evaluations resulting from the ongoing pandemic, the defendant is currently scheduled to be transferred to FMC Butner for his evaluation the week of October 17, 2022. The BOP has further explained that the evaluation process has taken this long because of the lack of available beds at FMCs. The BOP has further advised the parties that the defendant's ordered evaluation would likely occur sooner if the Court were to amend its February 21, 2022 Order and now direct the BOP to conduct the defendant's evaluation at the first available suitable forensic study site, rather than at the first available FMC. The BOP has further informed the parties that Federal Correctional Institute Butner (FCI Butner), which is a suitable forensic study site, will have space available to conduct the ordered evaluation of the defendant prior to the defendant's currently anticipated October 17, 2022 evaluation at FMC Butner.

¹ Regarding defense counsel's request at the August 8, 2022 status conference for additional information on how to contact the defendant, the government has obtained from the BOP and USMS and provided to defense counsel the mechanism by which counsel may contact the defendant at the Grady County facility.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AMENDED ORDER

- against -

Criminal No. 18-487 (AMD)

RASHEEDUL MOWLA,

Defendant.

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DONNELLY, DISTRICT JUDGE:

WHEREAS on February 21, 2022 (Docket No. 84), this Court ORDERED, pursuant to 18 U.S.C. §§ 4241(b), 4247(b) and 4247(c), that the defendant RASHEEDUL MOWLA, be committed to the custody of the Attorney General at a Bureau of Prisons (“BOP”) facility that performs psychiatric or psychological examinations consistent with the provisions of Section 4247(b) (“suitable BOP facility”) for a period of thirty days for an additional examination to determine whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and for any necessary treatment; and

WHEREAS, due to the ongoing pandemic and a backlog of medical evaluations at suitable BOP medical facilities, the Court’s February 21, 2022 Order is AMENDED and it is hereby

ORDERED, pursuant to 18 U.S.C. §§ 4241(b), 4247(b) and 4247(c), that the defendant RASHEEDUL MOWLA, be committed to the custody of the Attorney General at a Bureau of Prisons (“BOP”) facility that performs psychiatric or psychological examinations consistent with the provisions of Section 4247(b) (“suitable BOP facility”) for a period of thirty days for an additional examination to determine whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and for any necessary treatment; it is further

ORDERED, pursuant to Title 18, United States Code, Section 4247(b), that a qualified examiner (the “examiner”) conduct a psychiatric or psychological examination at a suitable BOP facility; and it is further

ORDERED, pursuant to Title 18, United States Code, Sections 4247(b), that the examiner complete the examination of the defendant RASHEEDUL MOWLA within thirty (30) days of the defendant’s arrival at the suitable BOP facility; and it is further

ORDERED pursuant to Title 18, United States Code, Sections 4247(c) that within a reasonable time following the conclusion of this examination, the examiner file a psychiatric and psychological report with the Court with copies provided to defense counsel and the government; and it is further

ORDERED that, due to the ongoing pandemic, and in order to facilitate the defendant’s transfer and ordered evaluation, the Bureau of Prisons is respectfully directed to conduct the evaluation at the suitable forensic study site with the first available space for the defendant, preferably Federal Correctional Institution Butner, and it is further

ORDERED that the Clerk of the Court serve a copy of this Order upon the United States Marshals Service for the Eastern District of New York and the Bureau of Prisons.

SO ORDERED

Dated: Brooklyn, New York
August __, 2022

THE HON. ANN M. DONNELLY
United States District Judge